



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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In Re: Methyl Tertiary Butyl Ether ("MTBE")
Products Liability Litigation

Master File No. 1:00-1898
MDL No. 1358 (SAS)
M21-88

This Document Relates To:
City of Fresno v. Chevron U.S.A. Inc., et al.,
04 Civ. 04973

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[PROPOSED] ORDER

After having considered the foregoing Stipulation Re Resolution of Case, and for
good cause shown, the Court hereby:

ORDERS, ADJUDGES, AND DECREES that

1. Defendants have waived their right to recover costs as prevailing parties;
2. Plaintiff has waived its right to appeal; and
3. The clerk is directed to enter the attached Proposed Judgment and dismiss
the entire case.

IT IS SO ORDERED.

Dated: July 29, 2014


United States District Judge *enc*

EXHIBIT A

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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JUDGMENT IN A CIVIL CASE

The court has ordered that (*check one*):

☐ the plaintiff (*name*) _____ recover
from the
defendant (*name*) _____ the
amount of _____

dollars (\$ _____), which includes
prejudgment

interest at the rate of __%, plus post judgment interest at the rate of __% per annum,
along with costs.

☐ the plaintiff recover nothing, the action be dismissed on the merits, and the defendant
(*name*) _____

recover costs from the plaintiff
(*name*) _____.

■ other: the plaintiff recover nothing, the action be dismissed on the merits with
prejudice, and the plaintiff City of Fresno and the defendants Exxon Mobil Corporation,
Chevron U.S.A. Inc., Shell Oil Company, Equilon Enterprises LLC, Equiva Services
LLC, Texaco Refining and Marketing Inc., CITGO Petroleum Corporation, Chevron
U.S.A. Inc., Union Oil Company of California, and Texaco Inc., Kern Oil & Refining
Co., Tesoro Corporation, Tesoro Refining and Marketing Company, Duke Energy
Merchants, LLC, Northridge Petroleum Marketing U.S., New West Petroleum, and Nella
Oil Company shall bear their own costs. This is a full and final judgment. All relief not
expressly granted is hereby DENIED.

This action was (*check one*):

☐ tried by a jury with Judge _____ presiding, and the
jury has rendered a verdict.

☐ tried by Judge _____ without a jury and the above decision was reached.

☒ decided by Judge Shira A. Scheindlin on a motion for summary judgment by defendants and subsequent stipulation of the parties.

CLERK OF COURT

Signature of Clerk or Deputy Clerk

Exhibit F

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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04 Civ. 04973**

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STIPULATION RE JUDGMENT AND WAIVER OF COSTS AND APPEAL

WHEREAS, the Court has issued a series of orders in this case in response to summary judgment motions and stipulations resolving the claims asserted by Plaintiff City of Fresno ("Plaintiff") against the remaining defendants Exxon Mobil Corporation, Chevron U.S.A. Inc., Shell Oil Company, Equilon Enterprises LLC, Equiva Services LLC, Texaco Refining and Marketing Inc., CITGO Petroleum Corporation, Chevron U.S.A. Inc., Union Oil Company of California, and Texaco Inc., Kern Oil & Refining Co., Tesoro Corporation, Tesoro Refining and Marketing Company, Duke Energy Merchants, LLC, Northridge Petroleum Marketing U.S., New West Petroleum, and Nella Oil Company (collectively, "Defendants");

WHEREAS, the only remaining items left for the Court to resolve are the award of costs to the prevailing parties and the entry of judgment;

WHEREAS, by this Stipulation, Plaintiff and Defendants wish to resolve the entire case, including the entry of judgment and waiver of appeal;

Accordingly, Plaintiff and Defendants enter into the following stipulation:

1. Defendants agree to waive all right to recover costs as the prevailing parties in this matter;
2. In exchange for Defendants' waiver of costs, Plaintiff agrees to waive all right to appeal;
3. Plaintiff and Defendants agree to the attached Proposed Judgment (Exhibit A) and jointly request the Court enter Judgment at its earliest convenience.

SO STIPULATED.

Dated: July 24, 2014

Miller & Axline

By: 

MICHAEL AXLINE

Attorney for Plaintiff City of Fresno

Dated: July 26, 2014

Sheppard Mullin Richter & Hampton LLP

By: 

Attorney for Defendant
Exxon Mobil Corporation

Dated: July __, 2014

Sedgwick LLP

By: 

Attorney for Defendant

Shell Oil Company, Equilon
Enterprises LLC, Equiva Services
LLC, and Texaco Refining and
Marketing Inc.

for Pete
Condron

Dated: July 28, 2014

Eimer Stahl LLP
By: [Signature] for Joan Radovich
Attorney for Defendant
CITGO Petroleum Corporation

Dated: July 28, 2014

King & Spalding
By: [Signature] for ~~Joan~~ Charles Correl
Attorney for Defendant Chevron
U.S.A. Inc., Union Oil Company of
California, and Texaco Inc.

Dated: July 28, 2014

LeClair Ryan LLP
By: [Signature] for Peter Hart
Attorney for Defendant
Nella Oil Company

Dated: July 28, 2014

Downey Brand LLP
By: [Signature] for Leila Bruderer
Attorney for Defendant
New West Petroleum

Dated: July 28, 2014

Hunton LLP
By: [Signature] for Diana Martin
Attorney for Defendants
Tesoro Corporation and
Tesoro Refining and Marketing Company

Dated: June 28, 2014

Gordon & Rees LLP
By: [Signature] for Brian Ladger
Attorney for Defendant
Kern Oil & Refining Co.

Dated: July 24, 2014

Sidley Austin LLP

By: 

for Jim
Wedeking

Attorney for Duke Energy
Merchants, LLC and Northridge
Petroleum Marketing U.S.